



# FLETCHER, TILTON & WHIPPLE

C O U N S E L O R S A T L A W

Sumner B. Tilton, Jr.  
Phillips S. Davis  
Robert R. Kimball  
Warner S. Fletcher  
Robert F. Dore, Jr.  
James M. Burgoyne  
William D. Jalkut  
Mark L. Donahue  
Lucille B. Brennan  
Kirk A. Carter<sup>□</sup>  
Dennis F. Gorman  
Frederick M. Misilo, Jr.<sup>△</sup>  
Brian J. Buckley  
David J. Officer  
Richard C. Barry, Jr.  
Faith V. Easter<sup>□</sup>  
Eugene P. O'Donnell, Jr.  
Ralph F. Sbrogna  
Allison R. Lane<sup>+</sup>  
Roger J. Brunelle  
Nisha K. Cocchiarella  
Bobby L. Hazelton  
Todd E. Brodeur  
Katherine Bohan Finnerty  
Marisa W. Higgins<sup>▽</sup>  
David C. Guarino<sup>+</sup>  
Isabel I. Pekkel<sup>□</sup>  
John W. S. Creedon, Jr.  
William J. Gosz<sup>□</sup>  
David C. Kurtz<sup>+</sup>

#### OF COUNSEL

John E. Hodgson  
Douglas Q. Meystre  
Arthur H. Miller<sup>○</sup>  
Pamela A. Massad  
Elbert Tuttle<sup>□</sup>  
Donna Toman Salvidio  
Theresa M. Varnet<sup>○</sup>  
Robert E. Sullivan<sup>□</sup>  
Rosalie A. Beith<sup>□</sup>  
Francis A. Ford

○ Admitted in New York  
△ Also admitted in California  
□ Also admitted in Illinois  
+ Also admitted in New York  
▽ Also admitted in Pennsylvania  
△ Also admitted in Rhode Island  
□ Located in Framingham

FLETCHER, TILTON  
& WHIPPLE, P.C.

WORCESTER  
The Guaranty Building  
370 Main Street-12th Floor  
Worcester, Massachusetts  
01608-1779  
Telephone: 508-459-8000  
Fax: 508-791-1201

FRAMINGHAM  
The Meadows  
161 Worcester Road  
Suite 501  
Framingham, Massachusetts  
01701-5315  
Telephone: 508-532-3500  
Fax: 508-820-1520

www.ftwlaw.com

August 29, 2007

Maurice DePalo, Acting Chairman  
Shrewsbury Board of Selectmen  
100 Maple Avenue  
Shrewsbury, MA 01545

Re: Fairfield Residential, LLC

Dear Chairman DePalo:

On behalf of Fairfield Residential, I want to thank the Board of Selectman for the opportunity to address the Board on August 27, 2007. Our discussion that evening, similar to any number of conversations prior to and since that time, have focused on the issue of risk. Fairfield has attempted to respond to the issue while acknowledging and recognizing that its mixed use development inherently involves a certain level of risk.

Our discussions have not attempted to trivialize the concerns relative to risk; rather, as discussed with the Board on Monday, to address methods by which the risk can be minimized and/or managed.

Notwithstanding, Fairfield Residential is cognizant of how important achieving the plan production goals of the community are to the Town of Shrewsbury and is sympathetic to the concern that the risk involved in the Fairfield development may put the Town in jeopardy for this goal. The reputation of Fairfield Residential and the consultants that it has utilized through this process, including Polito Development, is simply too important to the parties involved to be responsible in any manner for the Town missing this important and quickly impending deadline.

Given the Town's concern over these issues and the urging that you have received from other Town Boards to take the most conservative approach, Fairfield would recommend that the Board of Selectman move forward in a fashion that might allow both developments to proceed, albeit on different tracks. This would involve the designation of Avalon as your preferred Chapter 40B developer subject, however, to immediately working with Avalon in a significant reduction in a number of units and/or a strict and limited phasing schedule. These two factors, or a combination thereof, would make it possible for Fairfield to continue

{Client Files\24985\0004\00212757.DOC}

Please direct all correspondence to our Worcester office.



Maurice DePalo  
August 29, 2007  
Page 2

exploring with the Town the designation of its site as a Chapter 40R site by an upcoming Town meeting and thereafter proceeding with a mixed use development in the Lakeway Overlay District. The Chapter 40B designation by Avalon will achieve the important goal of controlling the affordable housing issues in Shrewsbury provided that it is accompanied by limitations on a number of units and phasing. At the same time, Fairfield can continue to explore the manner in which a Memorandum of Agreement relative to 40R designation for their site might be achieved with the Town.

I hope that your Board receives and accepts this correspondence from Fairfield in the spirit of cooperation and recognition of the importance of the issues involved to the Town and the importance to Fairfield of not putting the Board of Selectman in a position of taking on what the Board may perceive to be high risk. This should not be seen, in any manner, as an abandonment of the development of the Fairfield site and Fairfield would welcome the opportunity to continue to work with the community toward the Chapter 40R designation under appropriate terms and conditions.

I greatly appreciate your providing copies of this correspondence to the other Board members.

Very truly yours,

Mark L. Donahue

MLD/mmp